



# **CITY OF SUNNYVALE REPORT Planning Commission**

**May 22, 2006**

**SUBJECT:**           **2006-0357 – BARK Kennel & Boarding** [Applicant] **August M Jr. and Linda J Hagemann Trustee**[Owner]: Application located at **170 North Wolfe Road** (near Central Expwy) in an M-S (Industrial & Service) Zoning District.

Motion               Use Permit on a 32,300 square foot site to allow long-term boarding and daycare services for up to 335 dogs and 50 cats and including ancillary retail services.

## **REPORT IN BRIEF**

**Existing Site Conditions**           Two Industrial Buildings on One Lot

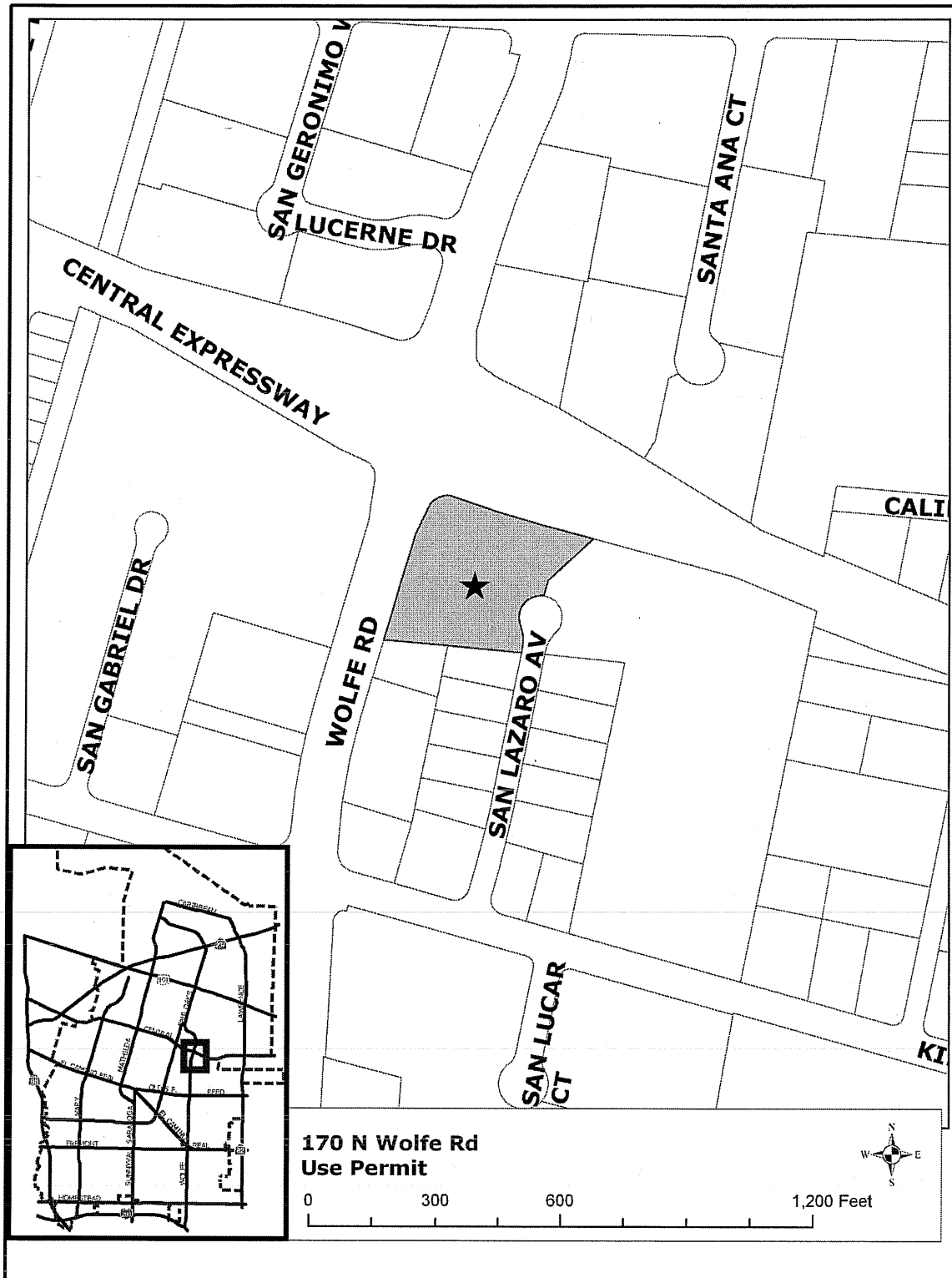
### **Surrounding Land Uses**

North	Central Expressway
South	Industrial
East	Industrial
West	Industrial

**Issues**                   Compatibility with surrounding industrial uses.

**Environmental Status**           A Negative Declaration has been prepared in compliance with California Environmental Quality Act provisions and City Guidelines.

**Staff Recommendation**           Approve with conditions



**PROJECT DATA TABLE**

	<b>EXISTING</b>	<b>PROPOSED</b>	<b>REQUIRED/ PERMITTED</b>
<b>General Plan</b>	Industry	Same	Industry
<b>Zoning District</b>	M-S Industrial and Service	Same	M-S Industrial and Service
<b>Lot Size (s.f.)</b>	112,385	Same	22,500 min.
<b>Gross Floor Area (s.f.)</b>	Project building 32,280 Second building on site 15,700 <b>Total 47,980</b>	Same	39,334 max.
<b>Gross Floor Area of Tenant</b>	N/A	N/A	32,280
<b>Lot Coverage (%)</b>	43%	Same	35% max.
<b>Floor Area Ratio (FAR)</b>	43%	Same	35% max. without PC review
<b>No. of Buildings On-Site</b>	2	Same	N/A
<b>Distance Between Buildings</b>	45	Same	20 min.
<b>Building Height (ft.)</b>	24	Same	75 max.
<b>No. of Stories</b>	2	Same	8 max.
<b>Setbacks (Facing Property)</b>			
<b>Front (ft.)</b>	60	25	25 min.
<b>Left Side (ft.)</b>	64	Same	0 min. Total 20 Both sides
<b>Right Side (ft.)</b>	10 (on second building)	Same	0 min. Total 20 Both sides
<b>Rear (ft.)</b>	10	Same	0 min.
<b>Landscaping (sq. ft.)</b>			
<b>Total Landscaping</b>	14,460	Same	22,477 min.

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
<b>Frontage Width (ft.)</b>	15	Same	15 min.
<b>% Based on Lot Area</b>	20%	Same	20% min
<b>% Based on Floor Area</b>	47%	Same	10% min.
<b>% Based on Parking Lot</b>	25%	Same	20% min.
<b>Parking Lot Area Shading (%)</b>	0	Same	50% min. in 15 years
<b>Parking</b>			
<b>Total Spaces</b>	Project building 100  Second building on site 32  <b>Total 132</b>	Same	102 min.
<b>Standard Spaces</b>	132	Same	N/A
<b>Compact Spaces/ % of Total</b>	0	Same	16 max.
<b>Aisle Width (ft.)</b>	24	Same	26 min.
<b>Bicycle Parking</b>	0	Same	2 Class I (calculated for office/retail portion of proposed use).
<b>Stormwater</b>			
<b>Impervious Surface Area (s.f.)</b>	89,900	Same	N/A (applicant is not disturbing 10,000 s.f.)
<b>Impervious Surface (%)</b>	80%	Same	N/A

★ Starred items indicate deviations from Sunnyvale Municipal Code requirements.

## **ANALYSIS**

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### **Description of Proposed Project**

The applicant proposes to operate a pet kennel for up to 335 dogs and 50 cats including some ancillary office space and retail space. The project would be conducted in an existing industrial building. The project includes minor modifications to the building exterior.

### **Background**

**Previous Actions on the Site:** There are no related Planning applications recorded for this site.

### **Environmental Review**

A Negative Declaration has been prepared in compliance with the California Environmental Quality Act provisions and City Guidelines. An initial study has determined that the proposed project would not create any significant environmental impacts (see Attachment C, Initial Study).

### **Use Permit**

**Use:** The proposed use is to provide 385 animal kennels to the public. The project is located in an industrial area and surrounded by industrial and service uses. Dogs and cats could be on the premises for extended periods of time including night time boarding. The facility would also include area for offices, animal grooming and playing and a small retail area.

**Site Layout:** The site is developed. There are two industrial buildings located on the site. The buildings are located in the middle of the site and meet required setbacks. Parking is provided in front of and between the two buildings as well as along the north property line.

Access to the project site is provided off of Wolfe Road by two driveways and off of San Lazaro Avenue by three driveways located in the cul de sac.

**Stormwater Management:** The project will not disturb 10,000 square feet of impervious surface or create any addition impervious surfaces on site. Stormwater management requirements do not apply to this project.

**Architecture:** The project building is existing. It is a tilt-up style industrial building of primarily concrete elevations with a detail of diagonal weathered

wood siding on panels around the upper portion of the building. The applicant does not propose to modify the building except to add a drive-under canopy at the front entrance. The canopy would be approximately 17' 9" in height and 24' wide. It would extend 36' from the front elevation of the building towards Wolfe Road. The required 25 foot front yard setback would be met. The purpose of the canopy is to emphasize the front entrance of the kennel. It would be designed with substantial wood posts and the fascia of the canopy would be treated with a band of vertical wood siding that coordinates with the existing siding on the building.

The following Guidelines were considered in the analysis of the project architecture.

"Name of Guidelines"	Comments
<i>Industrial Design Guidelines</i>	
II A1. Public Entrances and primary building elevations should face public streets	The proposed entrance canopy faces North Wolfe Road.
B5 Main entrances to the buildings shall be well defined.	The proposed entrance canopy provides a defined entrance to the building.

### **Landscaping:**

The site currently has approximately 8 mature trees, three of which appear to be of a size to be considered protected heritage trees. Protected trees are those that measure 38 inches or greater in circumference when measured at four feet from the ground. The plans for this project include preserving all of the trees including protected trees.

A condition of approval requires that the applicant increase the number of parking lot trees along the north side of the lot and other opportune areas to increase shading and to replace trees that appear to have been removed over time.

**Parking/Circulation:** The parking areas are already developed on the project site. There is adequate parking available. The following table illustrates the parking calculation used to evaluate the proposed use.

	Use	Parking Rate	Parking Required
Project Building 170 N. Wolfe Road	Kennels (385)	1/14 attendees 1 per employee on maximum shift	28 10
	Office and Service Operations (10,080 s.f.)	1/500	21
	Retails (1,680 s.f.)	1/180	11
Second Building 180 N. Wolfe Road on site	Industrial (15,700 s.f.)	1/500	32
		<b>Total Spaces Required</b>	<b>102</b>
		<b>Total Spaces Provided</b>	<b>132</b>

**Art in Private Development:** The requirement for art in private development applies to project sites with two acre or more in area for all nonresidential development projects involving construction of new buildings or the expansion of existing buildings. Although the project site meets the size criteria of 2 acres, the project does not involve the development of or expansion of buildings. Therefore, no public art is required for this project.

**Compliance with Development Standards/Guidelines:** The project complies with all development standards except for the percentage of landscaping, the parking lot shading requirement and FAR. The site is developed and these conditions are existing. The site was developed under an earlier code, with a lower requirement for landscaping and shading. The applicant proposes to refurbish existing landscape areas that are currently not maintained, overgrown or dead. The applicant does not propose to remove any trees on the site. Staff has included a condition of approval that requires the applicant to submit a landscape plan for consideration by the Director of Community Development to utilize water conserving plants and to add shade trees in parking lot areas where opportunity exists.

**Expected Impact on the Surroundings:** Staff does not expect any impacts to the surrounding industrial area. The project does not require any additional parking than what is already provided on site. The use is not expected to significantly increase traffic. Because the project is located in an industrial area, barking dogs and other animal noise will be less of a concern since industrial users are often noise producers. Since the nature of the business requires customers to be on site only for drop off and pick up, there is no concern for exposure of sensitive receptors to the surrounding uses.

There was a similar project recently approved for 200 dogs on Commercial Street, also in an industrial area. In addition to veterinarians, who may provide boarding for a small number of pets at their offices, staff is aware of approximately 315 kennel or dog day care spaces that are approved in Sunnyvale. They are all located in industrial areas. The proposed use would add 350 additional kennel spaces.

The applicant apparently believes there is still a market for additional kennel space. To date, these uses have only been proposed and approved in industrial areas of Sunnyvale.

It should be noted that if the Planning Commission has concerns about the compatibility of the proposed use within an industrial area, or regarding maintenance of the integrity of the industrial area, a condition of approval could be added limiting the initial duration of the Use Permit for a review period of two years or other amount deemed appropriate.

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**Fiscal Impact**

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*Transportation Fee:* The proposed use would be required to pay a Transportation Impact Fee estimated at \$50,063.

No fiscal impacts other than normal fees and taxes are expected.

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**Public Contact**

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Staff received one letter regarding concern about the traffic and animal litter with the proposed use (Attachment F). Staff believes the concerns of the writer have been addressed by the applicant (Attachment G).

<b>Notice of Negative Declaration and Public Hearing</b>	<b>Staff Report</b>	<b>Agenda</b>
<ul style="list-style-type: none"><li>• Published in the <i>Sun</i> newspaper</li><li>• Posted on the site</li><li>• 18 notices mailed to the property owners and residents within 300 ft. of the project site</li></ul>	<ul style="list-style-type: none"><li>• Posted on the City of Sunnyvale's Website</li><li>• Provided at the Reference Section of the City of Sunnyvale's Public Library</li></ul>	<ul style="list-style-type: none"><li>• Posted on the City's official notice bulletin board</li><li>• City of Sunnyvale's Website</li></ul>



## **Conclusion**

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**Findings and General Plan Goals:** Staff was able to make the required Findings based on the justifications for the Permit . Findings and General Plan Goals are located in Attachment A.

**Conditions of Approval:** Conditions of Approval are located in Attachment B.

## **Alternatives**

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1. Adopt the Negative Declaration and approve the Use Permit with attached conditions.
2. Adopt the Negative Declaration and approve the Use Permit with modified conditions.
3. Adopt the Negative Declaration deny the Use Permit.
4. Do not adopt the Negative Declaration and direct staff as to where additional environmental analysis is required.

**Recommendation**

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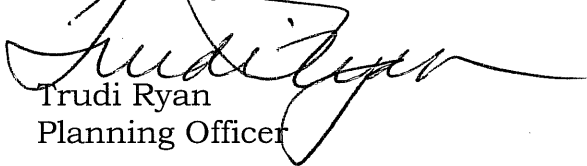
Alternative 1

Prepared by:



Gerri Caruso  
Project Planner

Reviewed by:



Trudi Ryan  
Planning Officer

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Negative Declaration
- D. Site and Architectural Plans
- E. Project Description letter from the Applicant
- F. Letter from concerned neighbor
- G. Response letter from applicant

### **Recommended Findings - Use Permit**

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Goals and Policies that relate to this project are:

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as noted below (*Finding met*) :

**Land Use and Transportation Element:**

*Policy C4.1: Maintain a diversity of commercial enterprises and industrial uses to sustain and bolster the local economy.*

*Action Statement C4.1.3: Promote commercial uses that respond to the current and future retail services needs of the community.*

*Policy N1.6: Safeguard industry's ability to operate effectively by limiting the establishment of incompatible uses in industrial areas.*

This project will bring a different type of commercial use to the City that is responding to an increasing need for animal care throughout the area. It is a business that is not overly represented within the City.

2. The proposed use ensures that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will impair either the orderly development of, or the existing uses being made of, adjacent properties (*Finding met*) as the proposed project is providing adequate parking and will not negatively impact surrounding industrial uses as it will have similar impacts as an industrial use.

**Recommended Conditions of Approval - Use Permit**

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In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

**1. GENERAL CONDITIONS**

- A. Project shall be in conformance with the plans approved at the public hearing(s). Minor changes may be approved by the Director of Community Development, major changes may be approved at a public hearing.
- B. The Conditions of Approval shall be reproduced on a page of the plans submitted for a Building permit for this project.
- C. The Use Permit is for a kennel of a maximum of 335 dogs and a maximum of 50 cats and shall expire if the use is discontinued for a period of six months or more.
- D. The Use Permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date.
- E. Any expansion or modification of the approved use shall be approved by separate application at a public hearing by the Commission or City Council).
- F. Provide a written plan of how animal waste and litter will be disposed of including disposal of litter on adjacent streets or surrounding areas where animals are walked.
- G. Provide plan to provide as gate at the applicant's rear driveway (northern most driveway on San Lazaro Avenue) that shall be closed during business hours except in cases of emergency.

**2. DESIGN/EXTERIOR COLORS AND MATERIALS**

- A. Final exterior building materials and color scheme are subject to review and approval of the Director of Community Development prior to issuance of a building permit.

**3. FEES**

- A. Pay Traffic Impact fee estimated at \$50,063, prior to issuance of a Building Permit. (SMC 3.50)

**4. LANDSCAPING**

A. Landscape and irrigation plans shall be submitted to the Director of Community Development subject to approval by the Director of Community Development prior to issuance of a Building Permit. Landscaping and irrigation shall be installed prior to occupancy. The landscape plan shall include the following elements:

- Replace all trees that have been removed from the original landscape plan.
- Provide shade trees in all area where space permits the inclusion of a tree without loss of parking.
- Of new trees installed, 10% shall be 24-inch box size or larger and no tree shall be less than 15-gallon size.
- Refurbish all overgrown and dead landscape areas with water conserving plants.
- Ground cover shall be planted so as to ensure full coverage eighteen months after installation.
- All areas not required for parking, driveways or structures shall be landscaped.

B. Provide separate meter for domestic and irrigation water systems.

C. All landscaping shall be installed in accordance with the approved landscape plan and shall thereafter be maintained in a neat, clean, and healthful condition.

D. Trees shall be allowed to grow to the full genetic height and habit (trees shall not be topped). Trees shall be maintained using standard arboriculture practices.

E. Any "protected trees", (as defined in SMC 19.94) approved for removal, shall be replaced with a specimen tree of at least 36-inch box size.

F. For commercial and industrial projects, to ensure appropriate sewer billing (water used for irrigation may not be billed for sewer), the developer may provide separate (irrigation and other) intake meters. Such meters could be installed prior to occupancy of the building.

**5. TREE PRESERVATION**

A. Prior to issuance of a Demolition Permit, a Grading Permit or a Building Permit, whichever occurs first, obtain approval of a tree

protection plan from the Director of Community Development. Two copies are required to be submitted for approval.

- B. The tree protection plan shall be installed prior to issuance of any Building Permits, subject to the on-site inspection and approval by the City Arborist.
- C. The tree protection plan shall remain in place for the duration of construction.
- D. The tree protection plan shall include measures noted in Sunnyvale Municipal Code Section 19.94.120 and at a minimum:
  - 1. An inventory shall be taken of all existing trees on the plan including the valuation of all 'protected trees' by a certified arborist, using the latest version of the "Guide for Plant Appraisal" published by the International Society of Arboriculture (ISA).
  - 2. All existing (non-orchard) trees on the plans, showing size and varieties, and clearly specify which are to be retained.
  - 3. Provide fencing around the drip line of the trees that are to be saved and ensure that no construction debris or equipment is stored within the fenced area during the course of demolition and construction.
- E. Overlay Civil plans including utility lines to ensure that the tree root system is not damaged.

## **6. LIGHTING**

- A. Prior to issuance of a Building Permit submit an exterior lighting plan for any planned fixtures, including fixture and pole designs, for approval by the Director of Community Development. Driveway and parking area lights shall include the following:
- B. Sodium vapor (of illumination with an equivalent energy savings).
- C. Pole heights to be uniform and compatible with the areas, including the adjacent residential areas. Light standards shall not exceed 18 feet on the interior of the project and 8 feet in height on the periphery of the project near residential uses.
- D. Provide photocells for on/off control of all security and area lights.
- E. All exterior security lights shall be equipped with vandal resistant covers.
- F. Wall packs shall not extend above the roof of the building.
- G. Lights shall have shields to prevent glare onto adjacent residential properties.

- H. Prior to issuance of a Building Permit submit a contour photometric plan for approval by the Director of Community Development. The plan shall meet the specifications noted in the Standard Development Requirements.
- I. Pole heights not to exceed 24 feet.

**7. BICYCLE PARKING**

- A. Provide 2 Class I bicycle parking spaces (per VTA Bicycle Technical Guidelines) as approved by the Director of Community Development.

**8. RECYCLING AND SOLID WASTE**

- A. Submit a detailed recycling and solid waste disposal plan to the Director of Community Development for approval.
- B. All exterior recycling and solid waste shall be confined to approved receptacles and enclosures.
- C. The enclosure shall be of masonry construction and shall match the exterior design, materials and color of the main building.
- D. All recycling and solid waste containers shall be metal or State Fire Marshall listed non-metallic.

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**9. SIGNS**

- A. All existing/new signs require separate review and permits and shall be in conformance with Sunnyvale Municipal Code

**10. STORAGE**

- A. All unenclosed materials, equipment and/or supplies of any kind shall be maintained within an approved enclosed area. Any stacked or stored items shall not exceed the height of the enclosure.
-